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facsimile transmittal

To: US PTO 571 273 8300
Fax:

From: Ted Sabety Date: February 9, 2006

Re: U.S. Pat. App. No. 10/765,116 Pages: Cover + 14

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PTO/SB/21 (09-04)

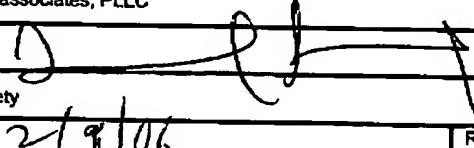
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Total Number of Pages in This Submission	14
Attorney Docket Number	ARA-1

ENCLOSURES (Check all that apply)

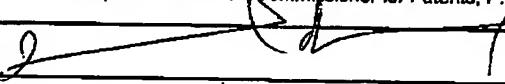
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
This is a re-submission of a preliminary amendment previously rejected as non-compliant. The additional claims in this submission were paid for in the previous submission.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sabety +associates, PLLC		
Signature			
Printed name	Ted Sabety		
Date	2/9/06	Reg. No.	53,540

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ted Sabety	Date	2/9/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evans, Rollin M.

Application No.: 10 / 765,116

Filed: January 28, 2004

Art Unit: 2884

Title: Data Acquisition, Control, and Spectral
Analysis Software for Multi-Channel Analyzers

Examiner: Gagliardi, Albert J.

Attorney Docket No.: ARA-1

PRELIMINARY AMENDMENT UNDER 37 CFR 1.115

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Please find attached hereto the following, regarding the above-referenced application:

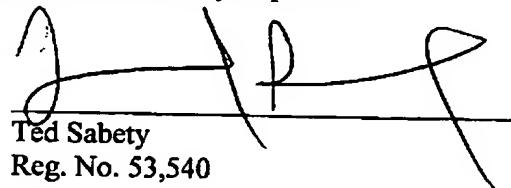
- Amendments to the Specification to fix errors and clarify the disclosure.
- Replacement Claims.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ted Sabety, Applicant's Attorney at 212 481 8686 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

2/9/06

Date



Ted Sabety
Reg. No. 53,540

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